

Article - Labor and Employment

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§12–101.

- (a) In this title the following words have the meanings indicated.
- (b) “Board” means the Maryland Small Business Retirement Savings Board.
- (c) (1) “Covered employee” means an individual who is employed by a covered employer.
 - (2) “Covered employee” does not include:
 - (i) an employee covered under the federal Railway Labor Act (45 U.S.C. Sec. 151) or an employee engaged in interstate commerce so as not to be subject to the legislative powers of the State, except insofar as application of this title is authorized under the United States Constitution or laws of the United States;
 - (ii) an employee eligible to participate in a qualifying retirement plan;
 - (iii) an employee covered by a valid collective bargaining agreement that expressly provides for a multi–employer retirement plan described in 26 U.S.C. § 414(f); or
 - (iv) an employee who is under the age of 18 years before the beginning of the calendar year.
- (d) (1) “Covered employer” means a person engaged in a business, an industry, a profession, a trade, or any other enterprise in the State, whether for profit or not for profit, that pays the covered employer’s employees through a payroll system or service.
 - (2) “Covered employer” does not include:
 - (i) the federal government;
 - (ii) the State or any unit of the State;
 - (iii) a county or any unit of the county;

(iv) a municipal corporation or any unit of the municipal corporation;

(v) an employer that currently offers an employer-offered savings arrangement that was established separately from the requirements of this title;

(vi) an employer that, at any time during the preceding 2 calendar years, offered an employer-offered savings arrangement that was established separately from the requirements of this title; or

(vii) an employer that has not been in business at all times during the current calendar year and the preceding calendar year.

(e) “Employer-offered savings arrangement” includes any of the following:

(1) an IRA;

(2) a defined benefit plan;

(3) a 401(k);

(4) a Simplified Employee Pension (SEP) plan;

(5) a Savings Incentive Match Plan for Employees (SIMPLE) plan; or

(6) another arrangement, if in compliance with federal law, that the Board specifies by regulation.

(f) “IRA” means an individual retirement account or an individual retirement annuity under 26 U.S.C. § 408(a) or (b).

(g) “Maryland Small Business Retirement Savings Program” means a retirement savings program established by the Maryland Small Business Retirement Savings Board under this title.

(h) “Participating employee” means an employee that is participating in the Program through a payroll deposit retirement savings arrangement in accordance with regulations adopted by the Board.

(i) “Participating employer” means a covered employer that provides a payroll deposit retirement savings arrangement under this title for covered employees.

(j) “Payroll deposit retirement savings arrangement” means an arrangement by which a covered employer remits payroll deduction contributions of participating employees to the Program.

(k) “Program” means the Maryland Small Business Retirement Savings Program established under this title.

(l) “Trust” means the Maryland Small Business Retirement Savings Trust established under this title.

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